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Federal Communications Commission
Office of the Secretary

September 11, 2018

VIA HAND DELIVERY AND ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Request for Confidential Treatment
Petition for Expedited Waiver, CG Docket Nos. 03-123 & 10-51

Dear Ms. Dortch:

Pursuant to 47 C.F.R. §§ 1.3 and 1.41, Sorenson Communications, Inc. ("Sorenson"), hereby submits the attached confidential version of its Petition for Expedited Waiver ("Petition"), the redacted version of which has been filed in the above-referenced dockets.

Sorenson requests pursuant 47 C.F.R. §§ 0.457, 0.459, that the Commission withhold from any future public inspection and accord confidential treatment to the information that has been marked confidential in the attached Petition and withhold that information from public inspection. The confidential information includes granular information about network facilities and operations, information that discusses in detail the amount of traffic handled, and granular information about costs and revenues. Sorenson also requests that the Commission withhold from public inspection Exhibit A, which is redacted in its entirety in the public version of the Petition, as it would not be feasible to separate the confidential information from any non-confidential information contained therein. Such information falls within Exemption 4 of the Freedom of Information Act ("FOIA"), 47 C.F.R. § 0.457(d).

In support of this request and pursuant to Section 0.459(b) of the Commission's rules, Sorenson hereby states as follows:

1. Identification of the Specific Information for Which Confidential Treatment Is Sought (Section 0.459(b)(1))

Sorenson seeks confidential treatment with respect to the confidential information redacted from the version of this Petition filed electronically with the Commission.

2. Description of the Circumstances Giving Rise to the Submission (Section 0.459(b)(2))

Sorenson is submitting this information with respect to a Petition for Expedited Waiver of Section 64.604(c)(5)(iii)(N)(2)(iii) of the Commission's rules regarding a VRS call center.

3. Explanation of the Degree to Which the Information Is Commercial or Financial, or Contains a Trade Secret or Is Privileged (Section 0.459(b)(3))

The information in the attached Petition is highly-sensitive commercial information specific to day-to-day operations, network facilities and operations, information that discusses in detail the amount of traffic handled, and granular information about costs and revenues. This information is generally safeguarded from competitors and is not made available to the public.

4. Explanation of the Degree to Which the Information Concerns a Service that Is Subject to Competition (Section 0.459(b)(4))

The VRS market is highly competitive throughout the United States.

5. Explanation of How Disclosure of the Information Could Result in Substantial Competitive Harm (Section 0.459(b)(5))

Disclosure could cause substantial competitive harm and would provide competitors insight into confidential operational, financial and strategy information, which would result in a severe competitive disadvantage.

6. Identification of Any Measures Taken to Prevent Unauthorized Disclosure (Section 0.459(b)(6))

Sorenson does not make this information publicly available.

7. Identification of Whether the Information Is Available to the Public and the Extent of Any Previous Disclosure of the Information to Third Parties (Section 0.459(b)(7))

Sorenson does not make this information publicly available.

Sincerely yours,

/s/

William J. Quinn

Counsel to Sorenson Communications, Inc.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of the Secretary

In the Matter of

Structure and Practices of the Video Relay
Service Program

CG Docket No. 10-51

Telecommunications Relay Services and
Speech-to-Speech Services for Individuals
with Hearing and Speech Disabilities

CG Docket No. 03-123

**SORENSEN COMMUNICATIONS, LLC'S PETITION FOR
EXPEDITED RETROACTIVE WAIVER**

Sorenson Communications, LLC ("Sorenson"), pursuant to Sections 1.3 and 1.41 of the rules of the Federal Communications Commission ("Commission"), hereby requests that the Commission grant, on an expedited basis, a retroactive waiver of the requirement in Section 64.604(c)(5)(iii)(N)(2)(iii) to file written notification with the TRS Fund administrator ("Administrator") of a change in a call center's location, including the opening, closing, or relocation of any center, at least 30 days prior to any such change.¹ Grant of the retroactive waiver is in the public interest because: (1) Notification was given to the Commission and Administrator but, due to circumstances outside of Sorenson's control, the notification was not timely; (2) the Administrator is now withholding compensation for Video Relay Service ("VRS") minutes [*** BEGIN CONFIDENTIAL ***] [REDACTED] [*** END CONFIDENTIAL ***] which disproportionately punishes Sorenson for an inadvertent failure to notify the Commission and Administrator in time; and (3) during the call

¹ 47 C.F.R. §§ 1.3, 1.41; *see also* 47 C.F.R. § 64.604(c)(5)(iii)(N)(2)(iii).

center move, Sorenson routed its calls to ensure it could maintain its service levels for users and to minimize the disruption to its interpreters' workload.

I. BACKGROUND

On April 5, 2018, Sorenson received notice from its landlord that the building in which a VRS call center was located was in the process of being sold and was scheduled to close on May 1, 2018.² On April 12, 2018, Sorenson notified the Commission that Sorenson's call center located in Blacksburg, Virginia (Center ID # 5451) would be closed on May 1, 2018 and that Sorenson would open a new center in Blacksburg, Virginia (Center ID # 5498).³ Sorenson made this report as soon as it could confirm an address for a replacement center. On May 12, 2018, Sorenson opened its new Blacksburg call center.

Although Sorenson notified the Commission of the change of its call center location, because the circumstances prevented Sorenson from providing 30 day's advance notice, the Administrator notified Sorenson that it would withhold payments for [*** BEGIN

CONFIDENTIAL ***] [REDACTED]

[REDACTED] [*** END CONFIDENTIAL ***]. Specifically, the Administrator has withheld payment for [*** BEGIN CONFIDENTIAL ***] [REDACTED] [*** END CONFIDENTIAL ***]. Sorenson files the instant Petition for a retroactive waiver of Section 64.604(c)(5)(N)(2)(iii) with respect to the late-filed call center closure notification.

² See Exhibit A (Letter from Vinod Chachra, Foresight LLC, to Cheryl Bohner, Facilities Manager, Sorenson Communications (Apr. 5, 2018)).

³ See Notification Letter from Mengyu Huang to Eliot Greenwald, Deputy Chief, Federal Communications Commission Disability Rights Office (Apr. 12, 2018).

II. DISCUSSION

Sorenson requests that the Commission grant an expedited, retroactive waiver of the requirement to file the call center change notification with the Administrator 30 days prior to changing the location. Generally, the Commission's rules may be waived for good cause shown.⁴ The Commission may waive a rule where the particular facts make strict compliance with the rule inconsistent with the public interest.⁵ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy in electing to waive one or more of its rules.⁶

Grant of Sorenson's waiver request is in the public interest because no customers were affected and Sorenson did not cause the late notice. The Commission has previously found that good cause exists to waive its rules when petitioners' reporting errors are due to harmless error.⁷ Here, Sorenson's failure to notify the Commission of the Blacksburg, Virginia call center change within the required time period was not only harmless, it was entirely caused by the unexpected

⁴ 47 C.F.R. § 1.3.

⁵ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁶ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) ("*WAIT Radio*"); *Northeast Cellular*, 897 F.2d at 1166.

⁷ See, e.g., *Telecommunications Relay Servs. & Speech-to-Speech Servs. for Individuals with Hearing & Speech Disabilities*, Order, CG Docket Nos. 03-123 and 10-51 (rel. Aug. 30, 2018) (granting ZVRS and Purple's request for a retroactive waiver of the requirement to notify the Administrator where there was no "significant harm to the TRS program, related Commission policies, or the public interest resulting from the [] rule violation," and where denial of payment for all calls "during the period of violation would be disproportionate to the gravity of the violation."); Letter Order of William Banks, 25 FCC Rcd 1257 (2010) (granting CSDVRS's request for payment of VRS calls from December 2008 through April 2009 for which CSDVRS's billing platform failed to capture call conversation time); Letter Order of Gil M. Strobel, 25 FCC Rcd 5836 (2010) (granting Sorenson's request for waiver the requirement that all TRS providers "must submit reports of interstate TRS minutes of use to the administrator in order to receive payments" where technical difficulties prevented Sorenson from capturing certain call data information required by the rules).

decision of Sorenson's landlord. Sorenson notified the Commission promptly after learning of the need for a closure and obtaining an address for a new location, and no calls were affected.

As a result of Sorenson's landlord's decision to terminate its lease on short notice, the Administrator is withholding ***** BEGIN CONFIDENTIAL ***** [REDACTED]

[REDACTED] ***** END CONFIDENTIAL *****. That is a disproportionate punishment for a notification that was untimely only as a result of a situation outside of Sorenson's control. The withholding of this amount of reimbursement creates an undue hardship, as this amount of funding is operationally material. ***** BEGIN CONFIDENTIAL ***** [REDACTED]

[REDACTED] ***** END CONFIDENTIAL ***** The calls were handled in accordance with the Commission's mandatory minimum standards for VRS, and Sorenson's service was uninterrupted by the change of call center location.

III. CONCLUSION

Because there is good cause for the grant of a waiver, Sorenson respectfully requests that, with respect to the Blacksburg, Virginia call center, the Commission expeditiously grant a retroactive waiver of the requirement in Section 64.604(c)(5)(iii)(N)(2)(iii).

Respectfully submitted,



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September 11, 2018

EXHIBIT A

REDACTED - FOR PUBLIC INSPECTION

Exhibit A is redacted in its entirety.